UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

USCA Docket Number:

USDC Docket Number: 04-cv-11838

Sarah-A. Thornton, Clerk of Court

Layla Kiani

v.

Trustees of Boston University

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I & II are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/22/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 25, 2006.

Receipt of the documents in the above entitled case is hereby acknowledged this date:/26/06. Deputy Clerk, US Court of Appeals	By: Antic Ramos Deputy Clerk
Please complete the following information:	
COURT OF APPEALS DOCKET NUMBER ASSIGN	NED:

APPEAL

United States District Court District of Massachusetts (Boston) CIVIL DOCKET FOR CASE #: 1:04-cv-11838-PBS

Kiani v. Trustees of Boston University et al

Assigned to: Judge Patti B. Saris

Demand: \$185,000

Cause: 42:1218(2) Americans with Disabilities Act Other

Date Filed: 08/24/2004 Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights:

Jurisdiction: Federal Question

Plaintiff

represented by Benjamin B. Tariri Layla Kiani

Benjamin B. Tahriri, Attorney at

Law

343 Washington Street Newton, MA 02458

617-956-1090 Fax: 617-965-5020

Email: legal@youandlaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

Trustees of Boston University represented by Lawrence S. Elswit

Boston University

Office of General Counsel

125 Bay State Road Boston, MA 02215 617-353-2326

Fax: 617-353-5529 Email: lelswit@bu.edu

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Ronald Cass represented by Lawrence S. Elswit

(See above for address)

LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

Andrew Kull represented by Lawrence S. Elswit

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Defendant

Christine Marx represented by Lawrence S. Elswit

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Wendy Mariner represented by Lawrence S. Elswit

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/24/2004	(1)	NOTICE OF REMOVAL by Ronald Cass, Andrew Kull, Wendy Mariner, Christine Marx, Trustees of Boston University from Suffolk County Superior Court, case number 04-3518. \$ 150, receipt number 58167.(Patch, Christine) (Entered: 08/26/2004)
08/24/2004	•	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Cohen. (Patch, Christine) (Entered: 08/26/2004)
08/26/2004	<u>3</u>	Assented to MOTION for Extension of Time to 9/20/04 to File Answer re 1 Notice of Removal by Ronald Cass, Andrew Kull, Wendy Mariner, Christine Marx, Trustees of Boston University.(Patch, Christine) (Entered: 08/31/2004)
08/27/2004	2	NOTICE of Scheduling Conference. Scheduling Conference set for 10/18/2004 at 3:00 PM in Courtroom 19 before Judge Patti B. Saris. (Alba, Robert) (Entered: 08/27/2004)
09/07/2004	3	Judge Patti B. Saris: Electronic ORDER entered granting 3

10/18/2004	•	Judge Patti B. Saris: Electronic ORDER entered granting <u>10</u> Motion for Extension of Time to File Response re <u>5</u> MOTION to Dismiss. Responses due by 11/2/2004 (Patch, Christine) (Entered: 10/20/2004)
10/18/2004	11	Judge Patti B. Saris: ORDER entered SCHEDULING ORDER: Fact Discovery due by 4/29/2005. Summary Judgment Motion due by 5/13/2005; opposition due by 5/27/05. Hearing on Summary Judgment or Pretrial Conference set for 6/7/2005 02:00 PM in Courtroom 19 before Judge Patti B. Saris.(Patch, Christine) (Entered: 10/25/2004)
11/02/2004	<u>12</u>	Opposition re <u>5</u> Defendants's Motion to Dismiss filed by Layla Kiani. (Tahriri, Ben) Modified on 11/3/2004 (Patch, Christine). (Entered: 11/02/2004)
11/02/2004	13	MEMORANDUM in Opposition re <u>5</u> MOTION to Dismiss filed by Layla Kiani. Re-entered by court staff to correct data entry error. (Patch, Christine) (Entered: 11/03/2004)
11/03/2004	•	Notice of correction to docket made by Court staff. Correction: Document No. 12 corrected because: Memorandum was filed as an attachment. Please see Document No. 13 for corrected filing of memorandum. (Patch, Christine) (Entered: 11/03/2004)
11/03/2004	<u> </u>	EXHIBIT re 13 Memorandum in Opposition to Motion by Layla Kiani. (Tahriri, Ben) (Entered: 11/03/2004)
11/03/2004	<u> • 15</u>	EXHIBIT re 13 Memorandum in Opposition to Motion by Layla Kiani. (Tahriri, Ben) (Entered: 11/03/2004)
11/03/2004	3 <u>16</u>	EXHIBIT re 13 Memorandum in Opposition to Motion by Layla Kiani. (Tahriri, Ben) (Entered: 11/03/2004)
11/08/2004	9 <u>17</u>	Judge Patti B. Saris: ORDER entered REFERRING <u>5</u> MOTION to Dismiss filed by Trustees of Boston University to Magistrate Judge Lawrence P. Cohen for Report and Recommendation.(Alba, Robert) (Entered: 11/08/2004)
11/29/2004	18	Judge Lawrence P. Cohen: ORDER entered REPORT AND RECOMMENDATIONS re 5 MOTION to Dismiss filed by Trustees of Boston University and individual defendants Recommendation: granting Objections to R&R due by 12/13/2004(Cohen, Lawrence) (Entered: 11/29/2004)
11/29/2004	•	Case no longer referred to Magistrate Judge Lawrence P.
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		Cohen. (Cohen, Lawrence) (Entered: 11/29/2004)
12/09/2004	⊕ <u>19</u>	OBJECTION to <u>18</u> Report and Recommendations filed by Layla Kiani. (Attachments: # <u>1</u> Exhibit # <u>2</u> # <u>3</u> Civil Cover Sheet)(Tahriri, Ben) Additional attachment(s) added on 12/13/2004 (Patch, Christine). (Entered: 12/09/2004)
12/16/2004	20	Judge Patti B. Saris: ORDER entered ORDER ADOPTING REPORT AND RECOMMENDATIONS for 5 Motion to Dismiss filed by Trustees of Boston University. Action on motion: granting in part. "I adopt the Magistrate Judge's Report and Recommendation on the motion to dismiss dated November 29, 2004 with the exception of the breach of contract claim." (Patch, Christine) (Entered: 12/16/2004)
03/22/2005	21	NOTICE OF RESCHEDULING: The Summary Judgment Motion Hearing/Pretrial Conference previously scheduled for 6/7/05 has been rescheduled to 6/6/2005 03:00 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 03/28/2005)
04/29/2005	9 22	First MOTION for Extension of Time to $05/31/05$ to Complete Discovery by Layla Kiani. (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10 # 11 # 12)(Tahriri, Ben) (Entered: $04/29/2005$)
05/11/2005	2 3	MOTION for Protective Order by Trustees of Boston University. (Attachments: # 1 # (2) # 3 # 4 # 5 # 6)(Elswit, Lawrence) (Entered: 05/11/2005)
05/11/2005	3 24	MEMORANDUM in Support re 23 MOTION for Protective Order and in Opposition to Plaintiff's Motion to Extend the Time for Discovery filed by Trustees of Boston University. Entered by court staff to correct data entry error. (Patch, Christine) (Entered: 05/12/2005)
05/12/2005	3	Notice of correction to docket made by Court staff. Correction: Document No. 23 corrected because: the Memorandum in Support should have been filed as a separate document and not as an attachment. The Memo is now document No. 24 (Patch, Christine) (Entered: 05/12/2005)
05/12/2005	•	Judge Patti B. Saris: Electronic ORDER entered granting 22 Motion for Extension of Time to Complete Discovery. Discovery due by 5/31/2005. (Patch, Christine) (Entered: 05/19/2005)
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05/13/2005	25	MOTION for Summary Judgment by Trustees of Boston University.(Elswit, Lawrence) (Entered: 05/13/2005)
05/13/2005	<u>26</u>	MEMORANDUM in Support re 25 MOTION for Summary Judgment filed by Trustees of Boston University. (Attachments: # 1 Exhibit Deposition of Plaintiff# 2 Exhibit letter# 3 Exhibit letter# 4 Exhibit letter# 5 Exhibit letter# 6 Affidavit Macurdy affidavit# 7 Exhibit email# 8 Exhibit Kull deposition# 9 Affidavit Marks affidavit# 10 Exhibit Disciplinary Regulations# 11 Exhibit Mariner deposition# 12 Exhibit email# 13 Exhibit letter# 14 Exhibit Ryckman affidavit# 15 Exhibit Silbaugh affidavit# 16 Exhibit Pettit affidavit# 17 Exhibit letter# 18 Exhibit Judicial Committee transcript# 19 Exhibit Judicial Committee decision# 20 Exhibit letter# 21 Exhibit letter# 22 Exhibit minutes# 23 Exhibit minutes# 24 Exhibit minutes# 25 Affidavit Maclin affidavit# 26 Exhibit Interrogatory responses)(Elswit, Lawrence) (Entered: 05/13/2005)
05/13/2005	•	Judge Patti B. Saris: Electronic ORDER entered re <u>23</u> Motion for Protective Order and in Opposition to Plaintiff's Motion to Extend the Time for Discovery. "I agree that some of the discovery requests are overbroad. Any motion to compel should be filed within one week. During the 30 day extension for discovery, no new discovery requets/interrogatories or notices of deposition shall be filed." (Patch, Christine) (Entered: 05/19/2005)
05/26/2005	9 27	First MOTION to Compel <i>Discovery</i> by Layla Kiani. (Attachments: # 1 Attorney Certification# 2 Exhibit Exhibit A# 3 Exhibit Exhibit B# 4 Exhibit Exhibit C# 5 Exhibit Exhibit D)(Tahriri, Ben) (Entered: 05/26/2005)
05/27/2005	<u>•28</u>	First MOTION for Extension of Time to 6/15/2005 to file opposition to summary judgment by Layla Kiani.(Tahriri, Ben) (Entered: 05/27/2005)
05/31/2005	⊙ 29	Opposition re <u>27</u> First MOTION to Compel <i>Discovery</i> , <u>28</u> First MOTION for Extension of Time to 6/15/2005 to file opposition to summary judgment filed by Trustees of Boston University. (Elswit, Lawrence) (Entered: 05/31/2005)
05/31/2005	3	Judge Patti B. Saris: Electronic ORDER entered denying <u>28</u> First MOTION for Extension of Time to 6/15/2005 to file opposition to summary judgment by Layla Kiani, "DENIED

		WITHOUT PREJUDICE. PLAINTIFF MUST CONFER WITH OPPOSING COUNSEL BEFORE FILING THESE MOTIONS." (Alba, Robert) (Entered: 05/31/2005)
06/01/2005	3 0	First MOTION for Extension of Time to June 15, 2005 to File Brief in Opposition to Defendants' Motion for Summary Judgment by Layla Kiani. (Attachments: # 1)(Tahriri, Ben) (Entered: 06/01/2005)
06/01/2005	3 <u>31</u>	First MOTION to Correct 30 First MOTION for Extension of Time to June 15, 2005 to File Brief in Opposition to Defendants' Motion for Summary Judgment by Layla Kiani. (Attachments: # 1 Attorney Certification)(Tahriri, Ben) (Entered: 06/01/2005)
06/01/2005	3 2	MOTION for Extension of Time to 6/15/05 to File Response as to 25 MOTION for Summary Judgment by Layla Kiani. (Attachments: # 1 Exhibit Attorney Certification). Re-entered by court staff to correct data entry error. (Patch, Christine) (Entered: 06/02/2005)
06/02/2005	•	Motions terminated: 31 First MOTION to Correct 30 First MOTION for Extension of Time to June 15, 2005 to File Brief in Opposition to Defendants' Motion for Summary Judgment filed by Layla Kiani,, 30 First MOTION for Extension of Time to June 15, 2005 to File Brief in Opposition to Defendants' Motion for Summary Judgment filed by Layla Kiani, (Patch, Christine) (Entered: 06/02/2005)
06/02/2005	3	Notice of correction to docket made by Court staff. Correction: Documents No. 30 and 31 terminated. Please refer to Document No. 32 for corrected filing. (Patch, Christine) (Entered: 06/02/2005)
06/07/2005	•	Judge Patti B. Saris: Electronic ORDER entered allowing 32 MOTION for Extension of Time to 6/15/05 to File Response to 25 MOTION for Summary Judgment. "ALLOWED. A HEARING ON THE MOTION FOR SUMMARY JUDGMENT WILL BE HELD ON JULY 15, 2005, AT 2:00 P.M." (Alba, Robert) (Entered: 06/07/2005)
06/09/2005	3 33	NOTICE OF RESCHEDULED MOTION HEARING. At the request of counsel, the Motion Hearing re Motion for Summary Judgment previously scheduled for July 15, 2005, has been rescheduled to August 4, 2005, at 2:00 p.m. in Courtroom 19 before Judge Patti B. Saris. (Alba, Robert)

		(Entered: 06/09/2005)
06/10/2005	3 4	Judge Patti B. Saris: ORDER entered REFERRING <u>27</u> First MOTION to Compel <i>Discovery</i> filed by Layla Kiani, to Magistrate Judge Leo T. Sorokin.(Alba, Robert) (Entered: 06/10/2005)
06/14/2005	3 5	Magistrate Judge Leo T. Sorokin: ORDER entered In Re: 27 Motion to Compel: WHEREFORE, the Motion to Compel is allowed insofar as defendants are ORDERED to supplement their responses to Document Requests Nos. 9 and 20 as set forth in this Order. In all other respects the Motion to Compel is denied. (Simeone, Maria) (Entered: 06/14/2005)
06/14/2005	•	Magistrate Judge Leo T. Sorokin: Electronic ORDER entered correcting Order on Motion to Compel. As the Order was an Order rather than a Report and Recommendation footnote 1 is hereby stricken from the Order as it was inadvertently included therein. In all other respects the Order stands. So Ordered. (Simeone, Maria) (Entered: 06/14/2005)
06/15/2005	3 <u>36</u>	Second MOTION for Extension of Time to July 5, 2005 to File Brief in Opposition to Defendants' Motion for Summary Judgment by Layla Kiani. (Attachments: # 1 Affidavit Attorney Certification)(Tahriri, Ben) (Entered: 06/15/2005)
06/16/2005	•	Judge Patti B. Saris: Electronic ORDER entered granting 36 Second MOTION for Extension of Time to July 5, 2005 to File Brief in Opposition to Defendants' Motion for Summary Judgment by Layla Kiani. (Alba, Robert) (Entered: 06/16/2005)
07/01/2005	3	Motions No Longer Referred to Magistrate Judge(Simeone, Maria) (Entered: 07/01/2005)
07/05/2005	2 37	MEMORANDUM in Opposition re 36 Second MOTION for Extension of Time to July 5, 2005 to File Brief in Opposition to Defendants' Motion for Summary Judgment filed by Layla Kiani. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D# 5 Exhibit Exhibit E-1# 6 Exhibit Exhibit E-2# 7 Exhibit Exhibit F# 8 Exhibit Exhibit G# 9 Exhibit Exhibit H# 10 Exhibit Exhibit I# 11 Exhibit Exhibit J-1# 12 Exhibit Exhibit J-2# 13 Exhibit Exhibit J-3# 14 Exhibit Exhibit J-4# 15 Exhibit Exhibit K# 16 Exhibit Exhibit L)(Tariri, Benjamin) Additional attachment(s) added on 7/6/2005 (Patch, Christine). (Entered: 07/05/2005)

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07/05/2005	38	First MEMORANDUM in Opposition re <u>25</u> MOTION for Summary Judgment filed by Layla Kiani. (Tariri, Benjamin) (Entered: 07/05/2005)
07/06/2005	3	Documents terminated: 38 Memorandum in Opposition to Motion filed by Layla Kiani,. (Patch, Christine) (Entered: 07/06/2005)
07/06/2005	•	Notice of correction to docket made by Court staff. Correction: Document No. 38 terminated because the original memorandum contained in Document No. 37 was deleted and replaced with the memo contained in Document No. 38. (Patch, Christine) (Entered: 07/06/2005)
07/20/2005	<u> 39</u>	Judge Patti B. Saris: ORDER entered REFERRING <u>25</u> MOTION for Summary Judgment filed by Trustees of Boston University, to Magistrate Judge Leo T. Sorokin for Report and Recommendation. NOTE: The previously scheduled Summary Judgment Hearing of August 4, 2005, before Judge Patti Saris is cancelled. (Alba, Robert) (Entered: 07/20/2005)
08/03/2005	9 40	NOTICE of Hearing on <u>25</u> MOTION for Summary Judgment. The Motion Hearing has been set for 8/16/2005 03:00 PM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 08/03/2005)
08/05/2005	3 <u>41</u>	First MOTION to Continue Summary Judgment Motion Hearing to Sept. 20, 2005 by Layla Kiani.(Tariri, Benjamin) (Entered: 08/05/2005)
08/08/2005	•	Magistrate Judge Leo T. Sorokin: Electronic ORDER entered granting 41 Motion to Continue to September 20, 2005 at 2:15pm. (Simeone, Maria) (Entered: 08/08/2005)
08/08/2005	③ .	ELECTRONIC NOTICE rescheduling the Hearing on 23 MOTION for Protective Order, 25 MOTION for Summary Judgment: The Motion Hearing has been reset for 9/20/2005 02:15 PM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 08/08/2005)
09/16/2005	3	ELECTRONIC NOTICE Changing the TIME ONLY on the Hearing on Motion 23 MOTION for Protective Order, and 25 MOTION for Summary Judgment: The time of the Motion Hearing has been reset for 9/20/2005 02:45 PM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 09/16/2005)

09/20/2005	•	ElectronicClerk's Notes for proceedings held before Magistrate Judge Leo T. Sorokin: Counsel for defendant begins oral argument on the motions; Counsel for Plaintiff states its position on the motion; Counsel discuss with the court the issues of plagerism and right to remain silent. The court takes the matter under advisment. (Digital Recording #D.) (Simeone, Maria) (Entered: 09/20/2005)
11/10/2005	3 42	Magistrate Judge Leo T. Sorokin: REPORT AND RECOMMENDATIONS For the foregoing reasons, I recommend that the Court ALLOW Defendants' Motion for Summary Judgment (Docket #25) and enter judgment in favor of Defendants.(Simeone, Maria) (Entered: 11/10/2005)
11/21/2005	•	Case no longer referred to Magistrate Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 11/21/2005)
11/21/2005	Q 43	REPLY TO OBJECTION to <u>42</u> Report and Recommendations filed by Layla Kiani. (Attachments: # <u>1</u> Exhibit Exhibit A) (Tariri, Benjamin) (Entered: 11/21/2005)
11/21/2005	● <u>44</u>	OBJECTION to <u>42</u> Report and Recommendations <i>ExhibitB</i> filed by Layla Kiani. (Tariri, Benjamin) (Entered: 11/21/2005)
11/21/2005	3 45	OBJECTION to <u>42</u> Report and Recommendations filed by Layla Kiani. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B). Reentered by court staff to correct data entry error. (Patch, Christine) (Entered: 11/22/2005)
11/22/2005	. 3	Documents terminated: 43 Reply to Objection to Report and Recommendations filed by Layla Kiani,, 44 Objection to Report and Recommendations filed by Layla Kiani,. (Patch, Christine) (Entered: 11/22/2005)
11/22/2005	•	Notice of correction to docket made by Court staff. Correction: Documents No. 43 and 44 terminated because Document No. 43 was filed using the incorrect event and Document No. 44 should have been filed as an attachment to Document No. 43. Please see Document No. 45 for the corrected filing. (Patch, Christine) (Entered: 11/22/2005)
11/28/2005	3	Judge Patti B. Saris: Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for 25 Motion for Summary Judgment filed by Trustees of Boston University,, 42 Report and Recommendations Action on motion: Granting. "After a review of the objections, the Court

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		adopts the report and recommendation and orders entry of judgment in favor of defendant." (Patch, Christine) (Entered: 11/30/2005)
11/28/2005	46	Judge Patti B. Saris: ORDER entered. JUDGMENT in favor of Defendant against Plaintiff(Patch, Christine) (Entered: 11/30/2005)
12/14/2005	3 <u>47</u>	First MOTION to Amend 1 Notice of Removal <i>Complaint</i> by Layla Kiani. (Attachments: # 1 Exhibit ExhibitA# 2 Exhibit Exhibit B# 3 Exhibit ExhibitC# 4 Exhibit Exhibit D)(Tariri, Benjamin) (Entered: 12/14/2005)
12/16/2005	•	Judge Patti B. Saris: Electronic ORDER entered denying <u>47</u> Motion to Amend the Complaint. "The case is closed." (Patch, Christine) (Entered: 12/19/2005)
12/22/2005	48	NOTICE OF APPEAL as to 46 Judgment and Order on Motion to Amend Complaint by Layla Kiani. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.cal.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 1/11/2006. (Patch, Christine) (Entered: 12/28/2005)